

VILLAGE OF MAPLE PARK

ORDINANCE NO. 2015-01

**AN ORDINANCE AMENDING TITLE 5 OF THE VILLAGE
CODE OF MAPLE PARK, ILLINOIS “PUBLIC HEALTH
AND SAFETY,” BY ADDING CHAPTER 10, ‘MEDICAL
CANNABIS”**

**ADOPTED BY
THE BOARD OF TRUSTEES
OF THE
VILLAGE OF MAPLE PARK**

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WHEREAS, on August 1, 2013, the Governor of the State of Illinois signed into law Public Act 98-0122, establishing the Compassionate Use of Medical Cannabis Pilot Program Act ("*Act*"); and

WHEREAS, pursuant to the Act, qualifying patients that have been diagnosed by a physician as having a debilitating medical condition, as defined by the Act, to use cannabis without being subject to arrest, prosecution, or denial of any right or privilege for the medical use of cannabis in accordance with the Act; and

WHEREAS, under the Act, cultivation centers, as defined by the Act ("*Cultivation Centers*"), will be authorized to grow, harvest, and distribute cannabis; and

WHEREAS, under the Act, medical cannabis dispensing organizations, as defined by the Act ("*Distribution Facilities*"), will be authorized to dispense cannabis to qualifying patients; and

WHEREAS, the Act permits the operation of a limited number of Cultivation Centers and Distribution Facilities throughout the State, and provides that municipalities may enact reasonable zoning regulations for these facilities, but prohibits municipalities from completely prohibiting the location of Cultivation Centers and Distribution Facilities; and

WHEREAS, the Village of Maple Park Village Code as amended ("*Zoning Ordinance*"), does not plainly address uses that would encompass Cultivation Centers, Distribution Facilities, or related operations; and

WHEREAS, the President and Board of Trustees have considered the Proposed Amendments and the recommendation of the Planning Commission, and have determined that adoption of the Proposed Amendments, as set forth in this Ordinance, will serve and be in the best interest of the village and its residents;

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Maple Park, Kane and DeKalb Counties, Illinois, as follows:

RECITALS.

SECTION 1: The foregoing recitals are incorporated into, and made a part of, this Ordinance as the findings of the Village President and Board of Trustees.

SECTION 2: Adding Section 5-10-1, titled “Rules and Definitions,” to read as follows:

"Cultivation center" has the meaning set forth in Section 10 of the Illinois Compassionate Use of Medical Cannabis Pilot Program Act, 410 ILCS 130/10, as may be amended.

"Medical cannabis dispensing organization" has the meaning set forth in Section 10 of the Illinois Compassionate Use of Medical Cannabis Pilot Program Act, 410 ILCS 130/10, as may be amended."

SECTION 3: Adding Section 5-10-2, titled "Medical Cannabis – Cultivation Centers," to read as follows:

5-10-2 MEDICAL CANNABIS – CULTIVATION CENTERS:

Cultivation centers, subject to all applicable supplemental review standards as provided for in Section 11-14-1, titled "Supplemental Review Standards," of the Zoning Ordinance within the Village Code;

1. A cultivation center may not be located within 2,500 feet of the property line of a pre-existing public or private preschool or elementary or secondary school or day care center, day care home, group day care home, part day child care facility, or area zoned for residential use.
2. A cultivation center may not be located within 1,000 feet of the property line of a pre-existing cultivation center or medical cannabis dispensing organization.
3. In accordance with State statutes and regulations, cultivation centers are prohibited from advertising through any public medium. Therefore, a cultivation center may not install, construct, erect, alter, enlarge, replace, or move any signs other than site-relevant incidental signs, building memorial markers, and nameplates, and only in compliance with Chapter 16.40 of this Title.
4. Cultivation centers must be constructed, maintained, and operated in strict compliance with all applicable State statutes and regulations.
5. Cultivation centers are subject to special use provisions and shall only be installed in a property zoned as Agriculture as provided in the Zoning Ordinance of the Village Code.

SECTION 3: Adding Section 5-10-3, titled "Medical Cannabis – Dispensing Centers," to read as follows:

5-10-3 MEDICAL CANNABIS – DISPENSING CENTERS:

Medical cannabis dispensing organizations, subject to all applicable supplemental review standards as provided in Section 11-14-1, titled "Supplemental Review Standards," of the Zoning Ordinance within the Village Code.

1. A medical cannabis dispensing organization may not be located within 1,000 feet of the property line of a pre-existing public or private preschool or elementary or secondary school or day care center, day care home, group day care home, or part day child care facility.
2. A medical cannabis dispensing organization may not be located in a house, apartment, or condominium.

3. A medical cannabis dispensing organization may not permit any person to consume cannabis on the property of a medical cannabis dispensing organization.
4. A medical cannabis dispensing organization may not share office space with or refer patients to a physician.
5. No drive-through facility may be constructed or operated in conjunction with any medical cannabis dispensing organization.
6. No medical cannabis dispensing organization may be open for business before 6:00 a.m. or after 8:00 p.m. on any day.
7. A sufficient number of parking spaces for the medical cannabis dispensing organization must be provided in compliance with the Zoning Ordinance within the Village Code. Additionally, the parking provided for a medical cannabis dispensing organization must be reserved for the exclusive use of dispensing organization employees and patrons, and may not be shared with other businesses.
8. Dispensing centers must be constructed, maintained, and operated in strict compliance with all applicable State statutes and regulations.
9. Dispensing centers are subject to special use provisions shall and only be installed in a property zoned as Industrial as provided in the Zoning Ordinance of the Village Code.

SECTION 4: SEVERABILITY. If any provision of this Ordinance or part thereof is held invalid by a court of competent jurisdiction, the remaining provisions of this Ordinance are to remain in full force and effect, and are to be interpreted, applied, and enforced so as to achieve, as near as may be, the purpose and intent of this Ordinance to the greatest extent permitted by applicable law.

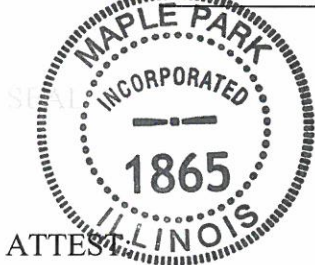
SECTION 5: EFFECTIVE DATE. The provisions of this Ordinance will be in full force and effect upon its passage, approval and publication, in accordance with law.

PASSED and APPROVED this 3rd day of March, 2015, pursuant to roll call vote as follows:

AYES: Armstrong, Borg, Dries, Goucher, Lunardon

NAYS: None

ABSENT: None



ATTEST

Elizabeth Peerboom
Elizabeth Peerboom, Village Clerk

Kathleen Curtis
Kathleen Curtis, Village President